

REMARKS/ARGUMENTS

Claims are cancelled/amended for expediting prosecution

In this Amendment, Applicants have amended independent claims 1 and 7 with the requirements of at least dependent claims 4 and 10 respectively (certain other amendments have also been made to amended independent claim 1 for providing proper antecedent basis, etc.), wherein dependent claims 4 and 10 were indicated by the Examiner as having allowable subject matter, and wherein Applicants have canceled dependent claims 4 and 10. Applicants have also canceled 11-30 and 32-33 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 11-30 and 32-33, prior to this Amendment is not patentable over the art cited by the Examiner. Claims 1 and 7 were amended and claims 4, 10-30 and 32-33 were cancelled in this Amendment solely to facilitate expeditious prosecution of the allowable subject matter noted by the Examiner. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 11-30, 32-33 as presented prior to this Amendment and additional claims in one or more continuing applications.

Amendments to the Specification

The title and abstract of the Application have been amended without adding any new matter.

Claim Objections

The Examiner had objected to claim 5 and had indicated that the Examiner had assumed that claim 5 was actually dependent on claim 4. Applicant has amended independent claim 1 with the requirements of claim 4 and has amended claim 5 to depend on amended independent claim 1.

Claims have been placed in a condition for allowance

Amendments to independent claim 1

In this Amendment, Applicants have amended independent claim 1 with the requirements of dependent claim 4, wherein dependent claim 4 was indicated by the Examiner (on page 6 of

the Office Action) as having allowable subject matter and was objected to as having dependent upon a rejected base claim, but was indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants submit that while amending independent claim 1 with the requirements found in dependent claim 4, Applicants found that the dependent claim 4 in the previous amendment had an antecedent basis error in that there was no antecedent basis for the second storage unit and no mention of a first storage control unit when a second storage control unit had been claimed in the dependent claim 4 of the previous amendment. Therefore, to provide proper antecedent basis to the second storage unit Applicants have included the requirement that the destination is a second storage unit. Additionally for clarification of the second storage control unit, Applicants have included the requirement that the first storage unit is a first storage control unit. Applicants respectfully submit that these claim amendments are for correcting antecedent basis errors and for clarification of the requirement of the second storage control unit, and further submit that these added claim requirements are supported by at least original claim 6, wherein in at least original claim 6 the destination is a secondary storage control unit (provides support for the second storage control unit, and provides support for the destination being the second storage unit), and the first storage unit is a primary storage control unit (provides support for the first storage unit being the first storage control unit).

For the above reasons amended independent claim 1 is patentable over the cited art.

Amendments to independent claim 7

In this Amendment, Applicants have amended independent claim 7 with the requirements of dependent claim 10, wherein dependent claim 10 was indicated by the Examiner (on page 6 of the Office Action) as having allowable subject matter and was objected to as having dependent upon a rejected base claims, but was indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

For the above reasons amended independent claim 7 is patentable over the cited art.

Dependent claims 2, 3, 5, 6, 8, 9, 31

Dependent claims 2, 3, 5, 6, 8, 9, 31 depend directly or indirectly on amended independent claims 1 and 7 and are therefore patentable over the cited art. Applicants have amended dependent claims 5 and 31 to depend on independent claims 1 and 7 respectively. Since antecedent basis for the second storage unit is already present in amended independent claim 1, dependent claims 2 and 3 that depend on amended independent claim 1 have been amended appropriately.

Canceled claims

Claims 4, 10-30, 32-33 have been canceled.

Conclusion

For all the above reasons, Applicant submits that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0449.

The attorney/agent of record invites the Examiner to contact him at (310) 557-2292 if the Examiner believes such contact would advance the prosecution of the case.

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